



Messrs. McGee and Goheen were in attendance. Mr. Goheen clarified, per Council request, that he was aware of the issue with birds landing on gear and intended to utilize variations of spikes for floating gear. The applications were unanimously approved on a motion by Mr. Mathis and a second by Mr. Gaine. Ms. Swain stated that the applicants would receive a letter informing them of the decision and applicants had 30 days to come to the office to sign the lease agreement and pay the lease fees.

5. Applications for Transfer

LESSEE	APPLICANT	LOT	SEC	ACRES	LOCATION	MAP	Species	Proposed Activity
William Tonnesen	Parsons Mariculture LLC	1428	B	2.00	LEHB – Middle Island	6.1	Hard Clam, Oyster	Traditional On-Bottom Planting, Floating Cages/Bags, Bottom Cages
Steven Mastro Sr.	Brandon Meili	2226	B	2.83	Dry Bay	24.2	Hard Clam	Traditional On-Bottom Planting

The applications for transfer were unanimously approved on a motion by Mr. Mathis and second by Mr. Gaine. Ms. Swain stated that the applicants would receive a letter informing them of the decision and provide information to come to the office to sign the lease agreement and pay the lease fees.

6. Old Business

Hard Clam Management Plan Committee

Mr. Auriemma stated that the Hard Clam Management Plan Committee met on August 6<sup>th</sup>. An application for the last vacant seat was submitted for Council review. After Council reviewed the application, Erik Lubaczewski was approved as a member of the Hard Clam Management Plan Committee to represent the depuration sector on a motion by Mr. Mathis and that was seconded by Mr. Kirk. The motion was unanimously approved. A contract with Rutgers University was in development to have Rutgers contribute to drafting portions of the plan, in addition to research and literature review. It was anticipated that the next meeting would be in the Fall.

Structural Aquaculture Committee

Mr. Gaine stated that the Structural Aquaculture Committee met virtually on August 12<sup>th</sup> with full Committee in attendance. The meeting was open to the public with seven public attendees as well as State representatives from the Bureau of Marine Habitat & Shellfisheries, Bureau of Marine Water Monitoring, Marine Enforcement, and Department of Agriculture. The Committee discussed the Commercial Shellfish Aquaculture Permit (CSAP) compliance advisory that was issued in June 2025. The Committee discussed the reason for the advisory and comments on current requirements. The Committee discussed and provided comments on proposed changes and requirements for 2026 bird deterrent and maintenance plans as part of the CSAP application. It was clarified that the proposed requirements were an effort to better understand if bird behavior (landing on floating gear) was influenced by gear maintenance. Additionally, the requirements would keep the Department aware of how maintenance was performed on a lease through the permit application and notification process. Mr. Gaine highlighted that it was a productive conversation and commended the Committee for taking the time to meet during a busy time of year. Mr. Gaine was appreciative of the efforts made by the Bureau of Marine Water Monitoring to have an open discussion and allow industry feedback in advance of any changes to the CSAP being in effect in 2026. Ms. Gentile was appreciative to receive comments on the proposed changes from the industry’s perspective for a path forward.

## Regulatory Committee Update

Mr. Normant stated that at the July 21<sup>st</sup> meeting, the Regulatory Committee summary report was presented to and accepted by the Council. The summary report was posted online for public input and the Bureau requested that the public submit comments to the Bureau so they can be compiled and presented to the Council. The Bureau had not received any comments from the public ahead of the meeting. The report was a summary of seven Committee meetings over the course of a year and covering many topics and concepts for rule development. Mr. Babb stated that it was the Bureau's perspective that updates to the shellfish rules were necessary. The goal of the Regulatory Committee was to get informal public input on concepts prior to the submission of a rule proposal and that the Bureau believed that only relying on a 60-day public comment period was not a productive timeframe to receive constructive feedback from industry. Most of the proposed changes were to update the rules to better align with the 2008 statutory changes, update regulations, and to account for changes in the industry over the last 30 plus years. Mr. Babb clarified that the Regulatory Committee discussions were informal stakeholder input and did not replace the official rule-making process established by state law and the Administrative Procedures Act. In addition, any rule concepts discussed were still subject to thorough review by the Division of Law and Deputy Attorney General level legal review. Mr. Babb commended the Committee for having constructive conversations even if the Bureau and the Industry did not always agree. The Bureau's intent was to take any input from Committee, public, and Council to develop a rule proposal this Fall, with an expectation of late winter or early spring. Mr. Babb added that the Bureau would continue to take comments moving forward if the public or the Council wanted to provide additional feedback in the coming months as the rule proposal was being drafted. Mr. Johnson agreed that any public comment can be received and put on public record at either tonight's meeting or the September meeting but indicated that the Council would not take comments regarding box harvesters or mechanical harvesting at this meeting. The Council opened the floor for public discussion of the Regulatory Committee Report on a motion by Mr. Mathis and a second by Mr. Kirk, which was unanimously approved.

Dr. Acquafredda asked the following questions regarding the summary report.

**Emerging Species:** He inquired if emerging species such as surf clams or bay scallops were discussed when considering size requirements. Mr. Gaine responded that there was discussion on those species. Mr. Normant stated that blue mussel catch limits were discussed for recreational harvest to be limited by volume and not be included in the recreational harvest of 150 shellfish per day.

**Biosecurity:** Dr. Acquafredda requested clarification on the Committee's recommendation to support the replacement of the existing state review process for seed importation with the Regional Seed Biosecurity Program. Mr. Gaine explained that the Committee was supportive of the program as an option to replace a pathology report as an expedited option, but not as the only method for seed importation. The process would not replace the state review or inhibit an applicant from including a batch test pathology report in their application.

**Purpose of a Lease:** Dr. Acquafredda inquired on the Committee's recommendation that a lease be used only for commercial shellfish aquaculture purposes. He asked if a lease could potentially be used for subsistence harvest for personal use. Mr. Normant responded that it was outside of the purpose of lease to use it for anything other than commercial shellfish aquaculture. He added that a subsistence lease would be contrary to the intent of the Public Trust and the tradeoff of the Public Trust with the economic benefit that a commercial lease does and would limit public wild harvest. The intent of the rule concept was to clarify that leases were for commercial purposes only. A Commercial Shellfish License was required to apply for a lease per the leasing regulations, and a regulatory change would make the intent of Title 50 clear that leases were for commercial shellfish aquaculture.

**Research Leases:** Dr. Acquafredda was supportive of including multitrophic aquaculture for research leases and asked if pilot lease programs could be included in this process specifically for the market of new product. Mr. Gaine responded that any kind of commercial exchange was not appropriate for a research lease, product could not be sold for a profit and compete with commercial leaseholders.

Mr. Mathis opposed the use of buoys to mark lease corners in shallow water due to the potential for damaging gear/product on adjacent leases. Additionally, he requested clarification on the concept outlining the creation of an emergency relay lease block for the depuration fishery. Mr. Normant clarified that there already was an existing mechanism in place for leaseholders to relay product on an existing lease through a permit with the Bureau of Marine Water Monitoring. Mr. Kirk and Mr. Craffey raised concerns to the Committee that if water quality in Raritan Bay was downgraded, it would leave harvesters without work. The intent of this concept was to hold a current relay area that was vacant in case of an emergency to support the depuration fishery if harvesters do not have alternative means to harvest.

Mr. Johnson provided several comments:

**Council Authority:** Mr. Johnson asserted that Council has the authority to set seasons under Title 50. He added that there was confusion with how the lease policy was mentioned in the document and clarified that Council had the exclusive authority to lease and to update the lease policy.

**Marine Resource Assessment:** Mr. Johnson asked for clarification on the legality of reviewing public use for existing leases, transfers, or new lease applications.

**Consideration Meetings:** Mr. Johnson recommended to simplify the process by having a single consideration meeting instead of holding two.

**Lease Policies:** He supported the concept for multi-year leases, for the ease of managing them and was also supportive of mail-in option for renewal. He was not supportive of reviewing and holding a leaseholder to a five-year plan suggesting things often don't go according to plan.

**Lease Utilization:** He recommended the Lease Policy Committee discuss utilization and define minimum use seeking a realistic utilization criterion in the future.

**Definitions:** He requested a clear definition of "public" due to it being mentioned throughout the summary document.

**Environmental Considerations:** He opined that there should not be conditions for leases within Prohibited water as it was not an issue since there were so few. He advocated that the poor water quality should be an incentive for land use regulation to take into consideration for upland permit reviews in the area.

**Hard Clam Relay:** He suggested updating its relay regulatory language, especially for the Manasquan and Shark River.

Mr. Johnson decided to hold the conversation regarding box harvesters until the Council received the requested legal interpretation of NJSA 50:2-10; 50:2-10.1, and NJSA 50:4-2 in relation to power harvesting. Mr. Babb stated that the Bureau requested informal guidance from their regulatory officer and clarified that it was at least a 6-month process for a formal ruling. Mr. Johnson clarified he was looking for an interpretation from the regulatory officer.

NJREAL

There was a notice of substantial change for the NJ REAL rule proposal, which was published in the July 21, 2025 New Jersey Register. There was 60-day public comment period which ended September 19th and there was a virtual public hearing on September 3rd at 6:00 PM. Anticipated adoption was January 2026. Mr. Gaine stated that the only change involving shellfish was the advisement that power lines for wind turbines going through shellfish habitat be burial depth of two meters. Mr. Gaine also added he did not see the responses to the original public comment period.

### Swan Point Marsh Restoration Project

Mr. Burke provided additional information prior to the meeting in regard to the Swan Point Marsh Restoration Project. Mr. Normant stated that the project in question was a permit issued by the US Fish & Wildlife Service in 2017 and believed no work had been done due to lack of funding and that the applicant (US Fish and Wildlife Service) was in the process of renewing the permit. Mr. Normant added that the Bureau was not aware of this project. Mr. Babb noted that he reached out to US Fish & Wildlife Service and Division of Land Resource Protection to express the industry's concerns. Bureau of Marine Water Monitoring and the Bureau of Marien Habitat & Shellfisheries would discuss this project after the meeting. Mr. Gaine stated that it did not appear that thought was given to the shellfish leaseholders in the areas nearby and recommended that this Council write a letter to the US Fish & Wildlife Service expressing concerns about these projects. The Council moved to send a letter to the US Fish & Wildlife Service on a motion by Mr. Mathis which was seconded by Mr. Felder. The motion was unanimously approved by Council.

### US Army Corps of Engineers – NWP 48

The Bureau has been in communications with the US Army Corps of Engineers (USACOE), and they were planning to come to the October meeting to discuss and get the word out to the industry regarding the requirements for the Nationwide Permit 48 which was required for all shellfish aquaculture activities. Mr. Babb highlighted that the USACOE approach was improved communication with the industry. It was suggested to get the word out that the USACOE would be at the October meeting.

### Viking Yachts

Mr. Stueber notified the Council that Viking Yachts had reached out to Mr. Fleetwood to coordinate a meeting in September to discuss operations and the industry.

### Mullica River Monitoring

Mr. Gaine asked when the Council would get an update on the Mullica River monitoring. Mr. Stueber stated that monthly monitoring had started and would continue through November. Mr. Stueber sent out disease monitoring samples for analysis by Rutgers and would provide a more detailed update in the Fall.

### Temporary Lease – Barnegat Light

Mr. Johnson asked for an update on the temporary lots that were issued in Barnegat Bay. The Bureau confirmed they had not heard from the leaseholders but believed they were in the permitting process.

### Council Committee Membership

Mr. Johnson asked the Council to evaluate their committee involvement since the Council was now at full membership. Mr. Kirk agreed to step down as a member of the Regulatory Committee, and due to quorum issues, the depuration industry would still be represented by Mr. Craffey.

### Water Quality Suspension

Mr. Avery raised concerns that a recent water classification announcement by the Bureau of Marine Water Monitoring was unclear. The announcement included new areas being suspended and upgraded. Ms. Gentile clarified that if an area was opened after a suspension it would return to its prior status. Ms. Gentile advised the public to reach out to the Bureau of Marine Water Monitoring if they want more information regarding a specific area.

### New Business

#### Bureau of Marine Water Monitoring – Sampling Meeting

Mr. Gaine added that the Bureau of Marine Water Monitoring held a meeting explaining in detail how the Bureau sampled stations for shellfish growing water classification which included the process of sampling, quality assurance measures, and lab techniques. It was noted that the presentation would be made available for those who were not able to make the meeting.

### Public Comment

Mr. Parsons noted that the topic of box harvesters was omitted from the Regulatory Committee discussion and expressed that there were many in attendance who wished to provide comments on the issue. Mr. Johnson clarified that his intent was to wait to discuss the topic until a legal interpretation of Title 50 was received to better understand if the concept would be able to be included in a final proposal.

Mr. Normant was asked if the legal opinion was necessary before public comment and discussion of the concept. Mr. Normant responded that the legality of a rule concept was related but a separate topic and that the current discussion was the Regulatory Committee Summary and whether there was support from industry for this concept. The Council agreed to hear public comments but noted the topic would also be discussed at the next meeting.

Messrs. Daffin, Hammell, Glenn, Parker, and Parsons all voiced support of using box harvesters on commercial shellfish aquaculture leases highlighting efficiency, ease of use, and minimal impact. Mr. Parsons noted that box harvester use was to the benefit of the industry and voiced concern about being able to compete with other states that allow the use of box harvesters. Messrs Daffin, Hammell, Glenn and Parker concurred.

Mr. Crema added that he had concerns about sediment moving to neighboring leases but recognized that there was a need for industry to innovate and move forward. Mr. Crema continued that his concerns were dependent on-site specific conditions, and that concerns would be eased if done in appropriate areas and with consideration to neighbors. Mr. Kirk questioned what was under the substrate and expressed concern if a box harvester impacted too deep underneath the sand and caused permanent damage. Mr. Gaine noted that the Regulatory Committee was supportive of the concept but discussed a permitting process which could alleviate concerns and implement best management practices.

The meeting was adjourned on a motion by Mr. Mathis and seconded by Mr. Kirk.

#### 7. Date time and place of next meeting:

DATE: September 15, 2025  
TIME: 6:00 PM  
LOCATION: Ocean City Free Public Library (in-person/virtual hybrid)

**Public Attendees:**

Bill Avery  
Jordan LoPinto  
David Goheen  
Sky Glenn  
Ron Hammell  
Luke Williams  
Michael Whiteside  
Erik Lubaczewski  
Mike Acquafredda  
Dale Parsons  
Ray Crema  
John Daffin  
Assemblyman Brian Rumpf\*  
Jen Resciniti\*  
Matthew Matusky\*  
Joe McGee\*  
Bayside\*  
Chuck Gehman\*  
Matt Williams\*  
DP\*  
Tommy Burke\*  
D Brown\*  
Donald Burke\*  
Dan Torre\*  
Steve Fleetwood\*  
Steve Fleetwood Jr.\*

**State Representative Attendees**

Les Frie\*, Bureau of Marine Habitat & Shellfisheries  
Liia Carpenter\*, Bureau of Marine Habitat & Shellfisheries  
Lauren Strazzeri\*, Bureau of Marine Habitat & Shellfisheries  
Natalie Dragos\*, Bureau of Marine Habitat & Shellfisheries  
Jenny Tomko\*, Bureau of Marine Habitat & Shellfisheries  
Michael Lindner\*, Bureau of Marine Habitat & Shellfisheries  
Amanda Wenczel-Arians\*, Department of Agriculture  
Nina Colagiovanni\*, Bureau of Marine Habitat & Shellfisheries  
Lisa DiElmo\*, Bureau of Marine Water Monitoring  
Alissa Wilson\*, Bureau of Marine Habitat & Shellfisheries  
Craig Tomlin\*, Bureau of Marine Habitat & Shellfisheries

*\*Attended virtually*